IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B. CRIMINAL MISC. BAIL APPL. NO.7137/2006
Ram Kishan & Ors. V. THE STATE OF RAJASTHAN

Date of order ::: December 21, 2006

PRESENT
HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr.Kamlakar Sharma, for the applicants.
Mr.B.L. Avasthi, PP for the State.

This is a bail application under Section 439 Cr.P.C. arising out of FIR No.295/2006 registered at Police Station Nainwa, District Bundi for the offence under Section 308, 341, 323, 324, 325, 326 IPC and Section 3 of the SC/ST (Prevention of Atrocities) Act, 1989.

Heard learned counsel for the applicants as well as the learned Public Prosecutor and perused the material / case diary made available to me during the arguments of the case..

It is submitted by counsel for the applicants that not only the complainant party, the accused party in this case has also received the injuries for which a separate case has been registered and this Court has called the case diary of both the cases. In the present case, 8 injuries alleged to have been caused on the injured Ramkaran and all the injuries are on non-vital parts of the body whereas in the cross case, three injuries each have been caused to Ram Kishan and Kalu. In the present FIR, it has been stated that alleged incident has taken place when the complainant was going to the field, but in the cross FIR, the accused of the present FIR has taken the plea

that alleged incident had occurred on account of disconnection of the electricity of their field.

Learned Public Prosecutor opposed the bail application and has submitted that during the course of investigation, it has been come on record that injuries are of serious nature, therefore, the bail application be rejected.

Without expressing any opinion on the aforesaid submissions on merits and demerits of the case and taking into consideration the entire facts and circumstances of the case, I am inclined to grant bail to the applicants.

It is, therefore, ordered that applicants (1) Ram Kishan S/o Khana (2) Kalu S/o Badri Lal (3) Mahaveer S/o Khana (4) Karan @ Ramkaran S/o Lodkya (5) Mukesh S/o Badrilal (6) Nadan S/o Moti Lal (7) Heera Lal S/o Badri Lal (8) Bhanwar Lal S/o Namlal (9) Giriraj S/o Lodkya (10) Badri S/o Chhitarshall be released on bail, provided they furnish a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) together with two sureties in the sum of Rs. 25,000/- to the satisfaction of the learned trial court for their appearance before that Court as and when called upon to do so during pendency of the trial against him arising out of FIR No.295/2006 registered at Police Station Nainwa, District Bundi.

(PREM SHANKER ASOPA) J.

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